UNITED NATIONS **S**

Security Council

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2 July 1998

ORIGINAL: ENGLISH

LETTER DATED 2 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

During the visit of your Personal Envoy to Islamabad, several suggestions for effectively addressing the security crisis in South Asia were made by Pakistan. I am enclosing herewith the text of those suggestions, which were also shared with your Envoy.

Mr. Alvaro de Soto would have briefed you on his in-depth discussions in Islamabad and conveyed to you our sincere desire to cooperate fully with the United Nations to reduce tensions and find a peaceful solution to the root causes, notably the Jammu and Kashmir dispute.

We request you to encourage, facilitate and support the development of a comprehensive framework to address the interlinked issues of peace, security, conventional imbalance, confidence-building, conventional and nuclear arms control and disarmament in South Asia.

The construction of a regime for nuclear and conventional arms stability in South Asia will require careful and patient efforts to develop a consensus. This is unlikely to be accomplished by India and Pakistan themselves. Nor can such a regime be imposed. It will have to evolve through a combination of simultaneous multilateral and bilateral efforts.

For its part, Pakistan is ready to engage with India and the international community to promote such a process, which in the first instance should accord priority to the avoidance of conflict, the promotion of nuclear and conventional restraint and stabilization between Pakistan and India, as well as the peaceful and just resolution of the core issue of Jammu and Kashmir.

I would be grateful if this letter were circulated as a document of the Security Council.

(Signed) Ahmad KAMAL
Ambassador
Permanent Representative

Annex

PAKISTAN'S POSITION AND PROPOSALS

- Pakistan favours a serious and sustained endeavour by the United Nations to defuse the security crisis in South Asia, which threatens global peace and security.

- Pakistan wishes to engage constructively with the UN, the international community and India to overcome the security crisis in South Asia.

- Pakistan is committed to the purposes and principles of the UN Charter.

- India's decision to induct nuclear weapons announced in the national agenda on 18 March was executed with lightening speed. India conducted its nuclear tests ranging from thermo-nuclear weapons to tactical weapons on 11 and 13 May 1998, declared itself as the sixth nuclear weapon state, affirmed that it had the "big bomb" and then threatened Pakistan with use of nuclear weapons and held out a threat of nuclear blackmail to impose a military solution in Kashmir.

- In the absence of a credible response from international community or any assurances to Pakistan against the nuclear and conventional threats, we were obliged to act in self-defence to restore the strategic balance, preserve our security and the maintenance of peace in the region.

- The Prime Minister kept the Secretary General and the Permanent Members of the Security Council fully informed of the impending breach of peace signaled by the Indian announcement to induct nuclear weapons. Regrettably, our repeated warnings and appeals went un-noticed and un-heeded.

- The P-5, the Security Council and the G-8 woke up to the nuclearization of South Asia only after our nuclear tests which had prevented or at least reduced the imminence of a grave breach of peace in South Asia.

- Our position on all aspects of the situation and the warranted approach was reflected in our Security Council statement on 6 June 1998.

- We believe that a comprehensive approach to the inter-linked issues of peace, security, confidence building, conventional and nuclear arms control and disarmament must be evolved by the international community.

- We look forward to the institution of a process for peace and rapprochement in South Asia.

- Such a process should be encouraged, facilitated, assisted and monitored by the United Nations.

- The Secretary General will have Pakistan's full support and cooperation.

- The Security Council must play an active role and exercise his authority, particularly under Chapter VI of the United Nations Charter, to prevent the situation in our region from deteriorating further and for the peaceful settlement of disputes.

- Jammu and Kashmir lies at the heart of the problems between India and Pakistan. The denial by India to the Kashmiri people of their inalienable right to self-determination, as provided for in the Security Council's resolutions, remains the central issue, that has over the past 50 years engendered conflicts and tensions between Pakistan and India.

- The Security Council Resolutions on Jammu and Kashmir must be implemented.

- Jammu and Kashmir is not merely a territorial dispute. It involves the Kashmiri people. It also equally involves the United Nations. We have stood by the Kashmiri people in their demand for the implementation of Security Council's resolutions. We have, therefore, stood by the United Nations.

- The Jammu and Kashmir question has legal, security and humanitarian dimensions. These facets are interlinked and require simultaneous engagement, in order to promote a just solution.

- The Kashmiri people by their massive and spontaneous uprising over the past 9 years have rejected Indian occupation. They are demanding their right to self-determination, as provided in the Security Council resolutions. These resolutions set the historical perspective and provide a legal basis for the settlement of the Kashmir issue.

- Kashmir has now become a nuclear flash-point. Indian leadership has been talking of a "practice" policy including "hot pursuit" across the Line of Control. India is violating the Line of Control using heavy artillery. It has caused civilian casualties.

- There is a major Indian military build-up, accompanied by an intensification of repression against the Kashmiri people.

- The United Nations also needs to take immediate cognizance of the denial of fundamental human rights to the Kashmiri people and provide humanitarian assistance to the displaced Kashmiri, fleeing Indian oppression.

- Regrettably, the international community has not been able to address effectively the

problem of Jammu and Kashmiri. It is an international problem which cannot be exclusively relegated to the bilateral plane.

- Pakistan is, however, prepared to engage in a serious, substantive and result-oriented dialogue with India, to effectively address the Jammu and Kashmiri issue.

- It was at Pakistan's suggestion that we were able to resume the Foreign Secretary level talks with India last year. These talks broke down due to backtracking by India, on the agreement reached on 23 June 1997 between the two Foreign Secretaries.

- On 11 June 1998, we proposed resumption of Foreign Secretary level talks and invited the Indian Foreign Secretary to come to Islamabad on 20 June 1998.

- India rejected our offer to hold Foreign Secretary level talks prior to the Colombo SAARC Summit.

- During the last year, our Prime Minister met Prime Minister Gujral four times. We had hoped that it would be possible to promote a Pakistan-India dialogue for peace and rapprochement in South Asia.

- These hopes have been dashed by policies and actions of the new Indian Government.

- Nonetheless, we intend to persevere with patience to promote a credible, serious and substantive Pakistan-India peace process.

- On 23 June 1998, our Prime Minister sent a letter to Prime Minister Vajpayee affirming his readiness to meet with him during the SAARC Summit at Colombo next month.

- We believe that it is important for Pakistan and India to address the issues of peace and security and Jammu and Kashmir on a priority basis.

- Under the rubric of "peace and security" which is the agreed item on the agenda of talks between Pakistan and India, we have suggested that both sides give urgent attention to the following:

  a) Avoidance of conflict.
  b) Nuclear and conventional restraint and stabilization measures.
  c) Confidence building.
  d) Jammu and Kashmir.

- We have announced a unilateral moratorium on nuclear tests and revived our offer to India to conclude a bilateral test ban agreement, which would be an important step at mutual confidence building.

- We also want to address the Jammu and Kashmir issue in all its aspects

- We have also proposed the conclusion of a Non-aggression Pact between Pakistan and India, on the basis of a just settlement of Jammu and Kashmiri dispute

- The United Nations, particularly the Secretary General and the Security Council, should facilitate the process of peace and rapprochement in South Asia

- The Secretary General should consider taking the following steps in this regard

  a) Visit the region, particularly Pakistan and India, at an early date
  b) Appoint a Special Representative for Jammu and Kashmiri
  c) Strengthen and enhance the mandate of UNMOGIP
  d) Monitor closely violations of the Line of Control and report them on a regular basis to the Security Council
  e) Create international awareness about the important role UNMOGIP is playing to prevent a major conflagration in Kashmir
  f) Maintain close contacts with Pakistan and India to assist progress in their bilateral talks which should be reported periodically to the Security Council

- Neither the Council Resolution 1172 nor the G-8 Ministerial Communique, address the grave security situation in South Asia on a pragmatic basis

- We favour a comprehensive approach to the interlinked issues of peace, security, confidence-building, conventional and nuclear arms control and disarmament.

- In 1974, India exploded the myth of the "Smiling Buddha". Its first casualty was Pakistan.

- For the next 24 years, Pakistan's security, indeed its very survival and existence, faced a double jeopardy

- On the one hand was the threat posed to our national survival by India's unbridled pursuit of its nuclear and ballistic missile ambitions

- On the other were the sanctions imposed by our friends in the name of nuclear non-proliferation, which increasingly and rapidly even denied us the means of a conventional defence.

- Pakistan's conduct during these 24 years, attests to the fact that perhaps no other country, ever pursued, more vigorously the goals of nuclear non-proliferation.

- Since 1974, Pakistan launched a major diplomatic campaign to prevent nuclear

proliferation in South Asia.

- We presented a series of proposals to spare our region from the specter of a nuclear conflict.

- These inter-alia included proposals for:

  - A Nuclear Weapon Free Zone in South Asia - 1974;
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  - A South Asia Zero-Missile Zone - 1994.

- It was India, which vetoed each of these initiatives.

- Regrettably proliferation has taken place in South Asia, which is today nuclearized. Responsibility for this unfortunate development lies squarely on the shoulders of India.

- It is imperative that the international community acts effectively to prevent the dangers of a nuclear conflict in South Asia.

- We do not wish to engage in a nuclear arms race. We are willing to work towards evolving a stable deterrence regime which forecloses the possibility of an arms race.

- The establishment and maintenance of a stable deterrence regime will also require agreement(s) to maintain balance in the level and disposition of conventional forces between India and Pakistan.

- We would be happy to enter into discussions bilaterally or together with major powers for establishing additional confidence-building measures.

- The construction of a regime for nuclear and conventional arms stability in South Asia will require careful and patient efforts to evolve a consensus. This is unlikely to be accomplished by India and Pakistan themselves. Nor can such a regime be imposed on India and Pakistan by the Security Council or the G-8. It will have to be evolved through a combination of simulatenous and bilateral efforts.

- In our view there are four priority "regional" objectives and one "global" objective which can and should be promoted in the context of recent development in South Asia.

- The four regional objectives are

  a) Avoidance of war,
  b) Nuclear stabilization by India and Pakistan,
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- The UN Secretary General and others should help in de-escalating tensions, etc.

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- India has consistently and vigorously opposed NPT and will obviously continue to do so. Under the circumstances, Paksitan will have to rely on nuclear deterrence. It is important to build comprehensive arrangements for peace and security with India including a conventional arms balance and the resolution of the Kashmir dispute.

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- As regards the CTBT, Pakistan had voted for the Treaty.

- We have decided a unilateral moratorium on nuclear testing.

- We have offered a bilateral or regional test ban to India as an important confidence building measure, in the first instance.

- India has rejected our offer of a bilateral test ban.

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- Conventional "balance" between India and Pakistan will be a necessary complement for nuclear stabilization.

- The international community particualrly P-5 should persuade India to exercise restraint and forego acquisition of sophisticated weapons systems which will further de-stabilize the situation.

d) Jammu and Kashmir

- As mentioned before this is a priority objective at the regional level and must be addressed as such.

Preserving the Global Non-Proliferation Regime

- Pakistan is aware of the concern that the nuclear tests and weaponization in South Asia could destablize the entire nucelar non-prloliferation regime. We are prepared to work with the international community, to avoid this, but only as part of a comprehensive approach which also addresses our security requirements.

- Pakistan has never transferred sensitive technology. We are pained by irresponsible statements regarding the "Islamic bomb". Such assertions should not become self-fulfilling prophecies.

- The Secretary General may rest assured of Pakistan's fullest cooperation and support in reducing the tensions and risk of conflict in our region.

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ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 2 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 2 July 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the aggressive and provocative violations of Iraq's airspace by United States and British aircraft, in flagrant contravention of the Charter of the United Nations and international law, and the attack made on 30 June 1998 by a United States aircraft on a group of water-storage tanks in the province of Basra in southern Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Identical letters dated 2 July 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that United States and British armed forces continue to carry out acts of aggression against the integrity of Iraq's territory and airspace, in flagrant violation of the provisions of the Charter of the United Nations and the principles of international law.

At 0930 hours Baghdad time on 30 June 1998, United States aircraft, accompanied by British aircraft, launched a missile against a group of water-storage tanks located at Yab'ad, 12 kilometres to the north of the town of Umm Qasr, which lies to the south of Basra province. This was done despite the fact that the area in question is inside the demilitarized zone between Iraq and Kuwait, where there are no military units. Contrary to claims made by the Pentagon and in statements by United States officials, no air defence unit in any part of Basra province was transmitting electronic signals at that time.

The actions of the United States aircraft constitute a clear act of aggression and the use of armed force against the sovereignty, territorial integrity and political independence of Iraq. Moreover, by continuing to carry out provocative overflights of Iraq's airspace, these aircraft are committing clear acts of aggression that have no legitimacy or justification in law. As you know perfectly well, the imposition of two no-fly zones over northern and southern Iraq was the result of a unilateral decision taken by the United States of America for its own political ends. The decision has nothing to do with the United Nations or with the relevant Security Council resolutions, all of which affirm the importance of Iraq's sovereignty, territorial integrity and political independence.

Neither the Government of the United States nor any other body has a mandate to use force against Iraq. This is confirmed by the provisions of the permanent ceasefire as set forth in Security Council resolution 687 (1991). The provisions of that resolution clearly require a complete cessation of acts of military aggression. There are no other Security Council resolutions which authorize any State to carry out acts of aggression of this kind.

The imposition of the no-fly zones represents a flagrant violation of international law, the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations. It represents a flagrant act of aggression against Iraq for the following reasons:

(a) The imposition of the no-fly zones constitutes the use of armed force against Iraq's sovereignty, territorial integrity and political independence.

(b) Neither the Government of the United States nor any other entity is authorized by the body responsible for the maintenance of international peace and security - that is the Security Council - to take these unilateral measures

against Iraq. Indeed, the United States Government has been unable to offer any legal justification for these zones and for the use of military force against Iraq's territorial unity and integrity, nor has it said which body authorized it to monitor the implementation of Security Council resolution 688 (1991) in southern Iraq and to play the role of human-rights monitor in Iraq.

(c) These facts clearly show that the imposition of the two no-fly zones is a unilateral decision, which has nothing to do with the United Nations and its resolutions. This was confirmed by the official spokesman for the Secretary-General (Joe Sills) on 7 January 1993, when he said that the imposition of the no-fly zones in northern and southern Iraq was not based on any Security Council resolution.

(d) The United States and British Governments assert that the imposition of the no-fly zones in northern and southern Iraq is in keeping with Security Council resolution 688 (1991). This interpretation is not supported by the text itself. Nor can it be supported by reference to Chapter VII of the Charter of the United Nations, which is the only chapter under which force may be used by the United Nations or by an entity specifically authorized to act on its behalf. It contains no provision for the imposition of a no-fly zone in Iraq's airspace.

(e) In the light of the provisions of the permanent ceasefire as reflected in resolution 687 (1991), neither the United States Government nor any other entity has the right to use force against Iraq. The provisions of this resolution imply that all acts of military aggression shall totally cease and that any renewal of military action must be carried out through the Security Council and must be subject to specific authorization by that body.

(f) The United States Government's reliance on resolution 688 (1991) as justification for the imposition of the no-fly zones contradicts the provisions of that resolution. The second preambular paragraph of the resolution refers to Article 2, paragraph 7, of the Charter of the United Nations, which declares that the United Nations is not authorized to intervene in matters within the domestic jurisdiction of any State. The seventh preambular paragraph of resolution 688 clearly reaffirms the commitment of all Member States to respect the sovereignty, territorial integrity and political independence of Iraq.

This act of aggression against the province of Basra on 30 June 1998 is part of a recent escalation campaign by the United States against Iraq and its people and clearly demonstrates the United States' desire to create a situation of tension and to mislead world public opinion, perhaps in order to pave the way for a new round of American military aggression against Iraq. All this is an attempt to maintain the sanctions imposed on the people of Iraq, sanctions which have been in place for eight years now, in violation of the most basic international humanitarian standards and agreements.

The Government of the Republic of Iraq demands that the Security Council assume the responsibilities conferred on it by the Charter of the United Nations for the maintenance of international peace and security, and take resolute action to put a stop to these acts of military aggression, which threaten international peace and security in the area. The Government of the Republic of Iraq calls upon the United States to desist forthwith from these acts of

aggression inside Iraqi territory. The United States bears full international responsibility for this aggression and for any consequences that may ensue, whatever pretexts it cites in justification.

In accordance with international law, the Government of the Republic of Iraq reserves the legitimate right to define an appropriate response to these repressive acts of military aggression and to demand compensation for damage arising from the United States' repeated acts of aggression and violations of Iraq's territory and airspace, including damage inflicted upon Iraq's civilian population.

The Government of the Republic of Iraq demands that the Security Council put a stop to these acts of military aggression against Iraq by the United States Government since they constitute a serious threat to Iraq's sovereignty, national security and territorial integrity.

I should be grateful if you would ensure that this letter is circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs of Iraq

UNITED NATIONS **S**

Security Council

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GENERAL

S/1998/607
2 July 1998

ORIGINAL: ENGLISH

LETTER DATED 2 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to draw your attention to the recent infiltration of a military submarine of the Democratic People's Republic of Korea into the territorial waters of the Republic of Korea.

On 22 June 1998, at 1640 hours local time, a 70-ton, 60-foot Yugo-class military submarine was found about 11.5 miles off the east coast of the Republic of Korea, entangled in a fishing net near the port city of Sokcho. The submarine was found at 38 degrees 12.00 minutes N, 128 degrees 50.78 minutes E, about 23 miles south of the Northern Limit Line.

After the submarine was towed ashore on 25 June, a special investigative team of the Government of the Republic of Korea conducted a thorough examination of the evidence and circumstances surrounding the incident. The bodies of nine North Korean crew members were found dead inside the submarine in an apparent murder-suicide, along with weapons and equipment typically used for infiltration. Investigators have concluded from the evidence collected in the submarine that it belongs to the North Korean Workers' Party and that it was used in committing an act of military infiltration into the Republic of Korea, a clear breach of both the 1953 Armistice Agreement and the 1992 Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North.

In the statement of 29 June 1998, issued by the Minister of National Defence of the Republic of Korea, the Korean Government has urged North Korea to make an understandable explanation, punish those responsible for the incident and renounce all anachronistic acts of military provocation. It has also strongly warned North Korea that should such an act of provocation recur in the future, North Korea would be held totally responsible for the consequences.

The members of the Security Council may recall that a similar incident of infiltration took place on 18 September 1996 and that the President of the Security Council subsequently issued a statement on 15 October 1996 (S/PRST/1996/42) expressing serious concern over that incident. In this connection, the North Korean authorities issued a statement on 29 December 1996

expressing deep regret and providing assurances that such an incident would not recur in the future.

In the light of these facts, the recurrence of this incident is deplorable. The Government of the Republic of Korea finds the incident all the more regrettable because it occurs at a time when the Government of the Republic of Korea has been pursuing a new policy of greater engagement and reconciliation with North Korea through dialogue and exchanges.

For your reference, I wish to enclose herewith copies of documents related to this incident, including excerpts from the said statement by the Minister of National Defence of the Republic of Korea.

I would be grateful if you would have this letter and the attached documents circulated as a Security Council document.

(Signed) LEE See-young
Permanent Representative

Annex I

Excerpts from the statement of the Minister of National Defence on the recent submarine incident, dated 29 June 1998

Thorough investigations by a joint investigation team composed of our military, National Intelligence Service and police found that this incident was an act of infiltration by special agents attached to the operations department of the North Korean Workers' Party.

According to the investigation, the special agents reached the Susan-ri area off the east coast at approximately 2337 on 21 June aboard the Yugo-class submarine, where three out of the nine members on board infiltrated into the coast and carried out assigned missions for about one hour. Upon completion of their mission, the submarine was heading back to the North before it was spotted by a local fisherman some 11.5 miles east of the port city of Sokcho and seized by the navy of the Republic of Korea.

Contrary to North Korean allegations that the submarine was wrecked while on a training mission, this incident is a clear and intentional act of provocation by the North Korean Workers' Party. We cannot suppress our anger over the provocation by the North Korean authorities, which had promised to prevent the recurrence of this kind of provocation two years ago when, in a similar incident, a North Korean submarine was captured in the port city of Kangneung.

We urge North Korea to make an understandable explanation, punish those responsible for this incident and renounce all anachronistic acts of military provocation.

We strongly warn North Korea that, should such an act of provocation recur in the future, North Korea will be held totally responsible for the consequences.

We strongly protested against the violations of our territorial waters and the Armistice Agreement at Panmunjom on 23 June, during the United Nations Command-Korean People's Army General Officers' talks. Based on the results of the investigation, we will immediately demand reconvening of the General Officers' talks and urge North Korea to take appropriate measures regarding the infiltration incident.

Annex II

Report of the Chief of the Central Joint Investigation Team on the investigation of a North Korean submarine seized off the coast of Sokcho

The infiltration of a North Korean submarine into the territorial waters of the Republic of Korea was spotted by Mr. Kim In-yong, captain of the "Dong-il" fishing boat. He reported to the military authorities around 1640 on 22 June 1998 that a North Korean submarine was caught in a fishing net 11.5 miles east of Sokcho.

The 70-ton, 60-foot Yugo-class submarine was subsequently captured and towed to a naval base at Tonghae by our naval and air forces. About 1650 on 25 June it was lifted out of the water and placed on the breakwater. A special investigation team was formed to examine the interior and exterior of the submarine.

The investigation has revealed that the submarine and its crew belong to the Wonsan Liaison Unit, an operational detachment of the North Korean Workers' Party. (This unit is known to specialize in maritime infiltration, sabotage and espionage.)

Based on the log found on the submarine, the investigation team has reconstructed the infiltration route as follows: the North Korean submarine left its home base near Wonsan (North Korea) at 1830 on 20 June and arrived at Susan-ri, Yangyang-gun, Republic of Korea at 1820 the next day. It is believed that at 2337 on 21 June three crew members from the submarine infiltrated into a coastal land area to install a secret unmanned "drop-off" point (so-called "debouch"). It appears that upon completing their mission in about an hour, these three returned to the submarine. The submarine was on its way back to the North when it got entangled in a fishing net on 22 June.

The investigation team has concluded from the evidence collected in the submarine that the total number of the crew members aboard the submarine was nine. Six were regular crew members; the other three were "combat units", that is, special agents.

The investigation team has examined the inside of the submarine. It appears that all nine crew members either committed suicide or were killed by their own colleagues. About 1,000 items were retrieved from the submarine; about 100 of them were types of equipment used for infiltration, including aqualungs, oxygen tanks and flippers; about 600 were weapons such as RPG-7, recoilless anti-tank guns, AK-47 rifles and Czech-made handguns; about 50 items were types of telecommunication equipment, including a TR transmitter; the rest were miscellaneous items such as clothing, food, medicine, etc.

It is obvious from the above evidence that this submarine was used in committing an act of military infiltration into the Republic of Korea, a clear violation of the 1953 Armistice Agreement and the 1992 Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North.

UNITED NATIONS **S**

Security Council

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S/1998/608
2 July 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT TO RESOLUTION 1160 (1998) OF THE SECURITY COUNCIL

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1160 (1998) of 31 March 1998. It covers the period since my last report of 4 June 1998 (S/1998/470).

II. SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1160 (1998)

2. As at 30 June 1998, the following 43 States had reported to the Committee, pursuant to paragraph 12 of resolution 1160 (1998) on the steps they had taken to give effect to the prohibitions imposed by the resolution: Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Cyprus, Czech Republic, Fiji, Finland, France, Hungary, Iran (Islamic Republic of), Italy, Japan, Kenya, Latvia, Lithuania, Malaysia, Malta, Monaco, New Zealand, Norway, Poland, Portugal, Romania, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

III. COMPREHENSIVE REGIME TO MONITOR THE IMPLEMENTATION OF THE PROHIBITIONS IMPOSED BY SECURITY COUNCIL RESOLUTION 1160 (1998)

3. In my last report (S/1998/470) dated 4 June 1998, I informed the Security Council that, in the light of the response from the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) dated 1 June 1998 and in accordance with the provisions of paragraph 15 of Security Council resolution 1160 (1998), I had written to the Secretary-General of the North Atlantic Treaty Organization (NATO), the Presidency of the European Union (EU), the Secretary-General of the Western European Union (WEU) and the Executive Director of the Danube Commission with a view to exploring their readiness to participate in the comprehensive regime and to submit to me, on the basis of information that may be available to them, reports on suspected violations of the prohibitions

imposed by the resolution for consideration by the Security Council Committee established pursuant to resolution 1160 (1998).

4. As at 30 June, I had received an interim reply from the Secretary-General of NATO dated 11 June, as well as replies from the Secretary-General of WEU dated 18 June, the Acting President and the Secretary of the Danube Commission dated 23 June 1998 and the Presidency of the European Union dated 30 June 1998. The full text of those replies is annexed to the present report (annexes I-IV).

5. The Secretary-General of NATO informed me that a study by the NATO Military Authorities on possible support for the monitoring regime would be completed shortly, and, once it had been considered by the North Atlantic Council, the Secretary-General would contact me again. He stated that in the meantime, the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina was using its authority under Annex 1A of the 1995 Peace Agreement to step up its efforts, within the existing mission and capabilities, to monitor the Bosnian border with the Federal Republic of Yugoslavia to prevent the transfer of weapons. He expressed the readiness of NATO to share SFOR findings with the United Nations.

6. WEU expressed its readiness to provide any useful information that comes to its notice on the implementation of the measures imposed by resolution 1160 (1998), in particular through its Multinational Advisory Police Element (MAPE) established in Albania at the request and with the cooperation of the Albanian authorities. WEU also stated that it was in the process of considering its role with regard to the very serious developments in Kosovo and their implications for regional stability. While seeking further information on the nature of a comprehensive regime for enforcement of the prohibitions contained in resolution 1160 (1998), WEU expressed its interest in taking any relevant action in full transparency and partnership with other organizations, including EU and NATO, and in agreement with the neighbouring countries on whose territories any relevant operation would take place.

7. The Danube Commission stated that in the event that OSCE or another international organization should offer the framework for coordinating the monitoring under resolution 1160 (1998), the Commission would be prepared to contribute, within the areas of its competence and expertise, to the accomplishment of this task through its support and advice concerning navigation on the Danube and the facilitation of transit of vessels, goods and passengers in compliance with resolution 1160 (1998). At the same time, the Commission suggested that a well-defined mechanism should be devised in due course to deal with cooperation between the authorities responsible for conducting inspections under the sanctions system and organizations and representatives of the shipowners, shippers and consignees of goods on the Danube.

8. The Presidency of EU welcomed my initiative to seek its views, as well as those of other organizations, on the enforcement of Security Council resolution 1160 (1998). The member States of EU agreed to assist the Committee established pursuant to paragraph 9 of Security Council resolution 1160 (1998) by providing information on the action taken by them to implement the resolution and by making available information on alleged violations of the arms embargo. The Presidency also expressed the readiness of EU members to contribute to international efforts to monitor the embargo by asking the European Community

Monitoring Mission (ECMM) to report to the Committee any relevant information on the movement of arms that should come into its possession as a result of its operations in Albania, Bosnia, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia. EU is seeking a significant increase in the number of monitors in the Federal Republic of Yugoslavia/Kosovo, in line with President Milosevic's undertaking in Moscow on increased international monitoring, and has increased the number of its monitors in northern Albania. The monitors would be tasked to be alert for any evidence relevant to the implementation of resolution 1160 (1998).

9. I will submit my recommendation, as required in paragraph 15 of the above-mentioned resolution once I have received all necessary information.

IV. SITUATION IN KOSOVO

10. As the Council is aware, the situation in Kosovo has deteriorated significantly since the submission of my last report. A new outbreak of violence in early June led to an influx of refugees to Albania and to an increase in internally displaced persons in Kosovo and Montenegro. The number of registered refugees in Albania at the end of June was 6,900. In addition, an estimated 3,150 have departed to southern Albania. It is estimated, however, that there may be as many as 13,000 refugees more in Albania. As of 19 June, the Montenegrin authorities had registered another 10,177 internally displaced persons from Kosovo. According to estimates of the Office of the United Nations High Commissioner for Refugees (UNHCR), some 45,000 people have been displaced within Kosovo itself. UNHCR is unable to assess the situation on the ground more precisely, since it cannot gain access to the affected areas.

11. Anticipating that further deterioration of the situation might lead to a major humanitarian and refugee crisis in the area, United Nations agencies expanded their activities in the region. In addition to the UNHCR office in northern Albania, the World Food Programme (WFP) also opened an emergency office there on 17 June. UNHCR continues to lead inter-agency contingency planning in the region. On 15 June, the Office of the Coordinator for Humanitarian Affairs, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), UNHCR, WFP and the World Health Organization (WHO) launched the consolidated inter-agency flash appeal for humanitarian assistance needs related to the Kosovo crisis: 1 June-31 August 1998. The appeal is aimed at obtaining US$ 18 million for multisectoral assistance for the United Nations system, of which UNHCR is seeking US$ 12.9 million. Coordinating mechanisms are operating in Pristina, Belgrade, Podgorica, Tirana and Skopje. WFP is stockpiling food in Pristina - rations are now sufficient to feed 35,000 for one month. In northern Albania, WFP is ready to start distribution of 500 tons of food assistance, which would cover existing needs until September.

12. In its resolution 1160 (1998), the Security Council requested me to keep it regularly informed on the situation in Kosovo and to provide an assessment of whether the Federal Republic of Yugoslavia had complied in a constructive manner with conditions put forward by the Contact Group. By the time of writing of the present report, I had received the relevant information from the Chairman-in-Office of OSCE, which I attach in annex V.

V. OBSERVATIONS

13. The international community is appalled by the continued violence in Kosovo. The parties concerned must demonstrate restraint and resume negotiations to find a peaceful solution to the conflict. I am increasingly concerned that, unless hostilities in Kosovo are stopped, tensions could spill across borders and destabilize the entire region. Kosovo therefore becomes a key issue for the overall stability of the Balkan region. I welcome the diplomatic efforts being made at the international level to address fundamental aspects of the situation which can only be resolved through negotiation.

14. It has been widely reported that authorities of the Federal Republic of Yugoslavia have agreed to allow foreign diplomats and accredited international organizations in Belgrade to monitor the situation in Kosovo. The process of establishing that monitoring presence is reportedly under way. Such a monitoring mission would improve the ability of the international community to assess directly the situation on the ground and could better serve the desire of the international community and the Security Council for impartial and substantive information regarding Kosovo. Should this come about, the Council may wish to review the continued need for reporting by the United Nations on the situation in Kosovo, as requested in paragraph 14 of resolution 1160 (1998), in view of the absence of a United Nations presence in Kosovo to provide an independent assessment of that situation.

Annex I

Letter dated 11 June 1998 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

Thank you for your letter of 4 June 1998 in which you sought the views of the North Atlantic Treaty Organization (NATO) on the establishment of a comprehensive monitoring regime for the prohibitions imposed on the Federal Republic of Yugoslavia by Security Council resolution 1160 (1998) of 31 March 1998.

As I informed you in my letter of 29 May, the North Atlantic Council has tasked the NATO Military Authorities to study possible support for the monitoring regime. This study will be completed shortly, and I will write to you again once it has been considered by the North Atlantic Council.

In the meantime, the NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina is using its authority under Annex 1A of the 1995 Peace Agreement to step up its efforts, within the existing mission and capabilities, to monitor the Bosnian border with the Federal Republic of Yugoslavia to prevent the transfer of weapons. We are making the necessary arrangements to forward any information on suspected violations in the SFOR area of operations to NATO headquarters for onward transmission to the United Nations Secretariat, via the monthly SFOR reports or on an ad hoc basis as necessary.

(Signed) Javier SOLANA

Annex II

Letter dated 18 June 1998 from the Secretary-General of the Western European Union addressed to the Secretary-General

I have the honour to thank you for your letter of 4 June in pursuance of Security Council resolution 1160 (1998) of 31 March 1998, which I have drawn to the attention of the Permanent Council. I am now replying on the Council's behalf.

The Western European Union (WEU) welcomes your initiative to include our organization in your consultations on this important matter. WEU has repeatedly made clear its readiness to act in support of and - as appropriate - under mandates from the United Nations, as well as the Organization for Security and Cooperation in Europe.

At present, as you know, the only mission being conducted by WEU in the region concerned is the Multinational Advisory Police Element (MAPE) established in Albania at the request and with the cooperation of the Albanian authorities. MAPE is a training and advisory mission whose mandate includes assistance with the training of all Albanian police forces and advice on their future organization; its activities thus contribute to the development of the capacity of the Albanian authorities themselves, inter alia, for implementation of the embargo. WEU is ready to provide immediately, by the appropriate means, any useful information that comes to its notice on the conditions of implementation of the embargo.

WEU shares your concern for the effective implementation of resolution 1160 (1998). As indicated in the declaration recently adopted by our Ministers at their meeting in Rhodes, we are in the process of considering the role of our organization in relation to the very serious developments in Kosovo and their implications for regional stability. To make sure that the WEU Council can include in its deliberations any possible practical contributions that might be appropriate for us in that context, we would be happy to receive further information or proposals on the nature of a "comprehensive monitoring regime" for enforcement, as mentioned in your letter. I might add that we would expect to take any relevant action in full transparency and partnership with other institutions, including the European Union and the North Atlantic Treaty Organization, and in agreement with the neighbouring countries on whose territory any relevant operations would take place.

(Signed) Jose CUTILEIRO

Annex III

Letter dated 23 June 1998 from the Acting President and the Secretary of the Danube Commission addressed to the Secretary-General

Allow us to thank you for your letter of 4 June 1998, in which you included the Danube Commission in the consultations pursuant to paragraph 15 of Security Council resolution 1160 (1998) of 31 March 1998, thus recognizing the role of our international intergovernmental organization in the Danube region.

One of the main tasks of the Danube Commission is to ensure implementation of the provisions of the Convention concerning the regime for navigation on the Danube, which provide that "navigation on the Danube shall be free and open for the nationals, vessels of commerce and goods of all States, on a footing of equality". Hence the Danube Commission believes that any monitoring system to be established under the above-mentioned resolution and to be operated by the appropriate institutions must respect this fundamental principle of navigation on the Danube, which is based on international law and recognized by the entire international community.

Without prejudice to the provisions of resolution 1160 (1998), which must be applied in full, or to the Charter of the United Nations, it must be ensured that, when sanctions are applied by the United Nations, the interests of "innocent and neutral" transit navigation on the Danube of countries that are not the object of the sanctions are respected and protected. Not only is this navigation essential to the economies of the landlocked Danubian countries, it is also important for some 40 nations that use the Danube each year as a major European waterway.

In the event that the Organization for Security and Cooperation in Europe (OSCE) or another international organization should offer the framework for coordinating the monitoring, the Danube Commission would be prepared to contribute, within the areas of its competence, to the accomplishment of this task through its support and advice concerning navigation on the Danube and the facilitation of "innocent" transit of vessels, goods and passengers. To the extent that a control system becomes inevitable, the Danube Commission hopes that the institutions responsible for this task will take advantage of the experience of the experts of the Commission and the Danubian countries in matters related to navigation on the Danube.

At the same time, a well-defined mechanism should be devised in due course to deal with cooperation between the authorities responsible for conducting inspections under the sanctions system and organizations and representatives of the shipowners, shippers and consignees of goods on the Danube.

If the implementation of such a monitoring system causes losses to the navigation on the Danube of countries that are not the object of the sanctions but experience their consequences, a mechanism for compensating for those losses should be devised as soon as possible.

(Signed) Petru CORDOS
Acting President of the Danube Commission
Representative of Romania on the Danube Commission

(Signed) Felix P. BOGDANOV
Secretary of the Danube Commission
Representative of the Russian Federation on the Danube Commission

Annex IV

Letter dated 30 June 1998 from the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General

Thank you for your letter of 4 June, addressed to me in my capacity as President of the European Union, seeking the views of the States members of the European Union on the establishment of a regime to monitor the arms embargo on the Federal Government of Yugoslavia imposed by Security Council resolution 1160 (1998).

The European Union welcomes your initiative in seeking its views, as well as those of other regional organizations, on the enforcement of Security Council resolution 1160 (1998), the aim of which we strongly support. The States members of the European Union have agreed to assist the committee established under paragraph 9 of resolution 1160 (1998) in its work by providing information on the action taken by member States to implement the resolution and by making available to the Committee any information available to member States on alleged violations of the embargo. I have asked member States to pool such information so that the Presidency of the day can pass this on to the committee.

The EU and its member States also stand ready to contribute to international efforts to monitor the embargo by asking the European Community Monitoring Mission (ECMM) to report to the Sanctions Committee any relevant information on the movement of arms that should come into its possession as a result of its operations in Albania, Bosnia, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia.

The European Union is seeking a significant increase in the number of monitors in the Federal Republic of Yugoslavia/Kosovo, in line with President Milosevic's undertaking in Moscow on increased international monitoring. The European Union has also increased the number of its monitors in northern Albania. The European Union will ensure that its monitors are tasked to be alert for any evidence relevant to implementation of resolution 1160 (1998). The European Union would also be willing to consider any further proposals from the Secretary-General or other regional organizations on a monitoring regime.

Robin COOK

Annex V

Information on the situation in Kosovo and on measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998)

I. INTRODUCTION

The further deterioration of the situation in Kosovo and along the border between the Federal Republic of Yugoslavia and Albania since the May report to the Secretary-General has prompted the Contact Group to impose a package of economic sanctions on both the Federal Republic of Yugoslavia and Serbia to induce them to seek a political solution to the problem. For its part, the North Atlantic Treaty Organization (NATO) produced an array of crisis scenarios, and on 15 June staged a display of air power in the airspace of Albania and the former Yugoslav Republic of Macedonia, along the border with Kosovo.

II. THE DIALOGUE

On 15 May in Belgrade, President Milosevic and Dr. Rugova agreed on weekly working contacts between the two sides. However, so far only one such meeting has been held, in Pristina (on 22 May). The Albanian side contended that the military-cum-police operation unleashed on south-west Kosovo by Belgrade in late May and the whole of June precluded its participation in further meetings of this kind.

Those of the Kosovo Albanians who do not count among the supporters of Rugova's policy line have made known their displeasure with his meeting with Milosevic. Representatives of the so-called Kosovo Liberation Army (KLA) have strongly reiterated their direct objective, namely, the independence of Kosovo.

By 16 June 1998, no signs had emerged of a possibility of resumption of the Belgrade-Pristina dialogue. The issue was taken up during the Milosevic-Yeltsin meeting in Moscow on 16 June.

The two sides to the Kosovo conflict have had numerous contacts over the past month with representatives of foreign countries visiting Yugoslavia, and also with diplomats posted in Belgrade. Dr. Rugova has visited the United States of America, Italy and France and has met with the Secretary-General of the United Nations.

III. VIOLENCE

A further deterioration of the situation was recorded in Kosovo soon after the Milosevic-Rugova meeting, notably in the Yugoslav-Albanian borderland and along the Pec-Dechani, Djakovica-Prizren and Pristina-Pec highways. Serious armed clashes were noted in those areas.

The wholesale destruction visited upon the Albanian villages in the process sent consecutive waves of refugees streaming out of the area. Casualty figures released by both sides differ considerably. The Serbs maintain that their actions had a purely anti-terrorist character and claim only a "negligible" number of victims, while the Albanians insist scores have been killed (no credible data about the number of victims are available, but some unofficial sources indicate there might be over 200 dead). Many observers agree that the range and scope of combat operations validates the contention that a guerilla war is now under way in Kosovo.

More people these days are prepared to cross illegally into the war-torn Yugoslav province from Albania, and contraband weapons are pouring into Kosovo, brought there by armed groups of ethnic Albanians.

The media quote the Belgrade office of the Office of the United Nations High Commissioner for Refugees to the effect that the combat operations in Kosovo have displaced 30,000 to 40,000 Albanians, who have now established temporary residence in other parts of the province or left for Albania (around 12,000) or Montenegro. On the other hand, there has been no confirmation of the earlier Albanian reports of their countrymen streaming into the former Yugoslav Republic of Macedonia. The Serbians argue that the Albanians overstate the facts and inflate the figures, but they do not counter them with their own information.

In the opinion of A. Demaci, Chairman of the Parliamentary Party of Kosovo, carried by the media in early June, the Kosovo Liberation Army allegedly controlled an area of 3,000 square kilometres, including some 250 villages, with a total population of 700,000 to 800,000, most of them in the Drenica region.

IV. EDUCATION

Serb students and professors in Pristina do not agree to hand over to the Albanian side a part of the premises of the local university. A student demonstration was recently dispersed by the police, while the Serb educational authorities made a hasty decision to end the academic year ahead of schedule.

V. ACCESS TO KOSOVO

The armed clashes resulted in a temporary closure in May and June of the Pristina-Pec and Pec-Decani-Djakovica-Prizren sections of the highway, with telecommunication lines severed partially within this area and a news blackout of several days imposed by the authorities. Instances of Serb troops stopping food transports and other supplies being sent from the north to Kosovo have been noted. In early June, the Serb side regained control over the aforesaid sections of the highway, which were then reopened to traffic.

Members of the KLA stop travellers in KLA-controlled areas (notably in the Drenica region), check their identification documents and often confiscate items they find of use. For instance, Japanese and American television crews were relieved of their bullet-proof vests.

The Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, on 7 June, conducted a tour of Kosovo for diplomats posted in Belgrade, who reported on the widespread destruction of housing in the now-abandoned villages affected by the hostilities at the end of May/beginning of June. However, those diplomats did not confirm the allegations of some Kosovo Albanians that the Serb authorities had subjected the area to heavy artillery and aerial bombardment.

VI. RISKS OF SPILLOVER

According to the reports of the OSCE presence in Albania, the situation on the Albanian border with Kosovo remains volatile. There has been almost daily military activity in western Kosovo since the end of May, causing large-scale displacement of civilians. Over 10,000 of them have fled to Albania, most of them women, children and the elderly. The violence has caused a drastic increase in militancy on both sides of the border. Armed resistance has become very visible, including cross-border movement of arms and men. Border incidents have increased, pointing to efforts on the part of the Federal Republic of Yugoslavia to clamp down on this movement. Recent incidents also involved border violations. There is increasing evidence of mines being laid, and there have also been a number of accounts from refugees of detention of men of military age.

The refugees have been accommodated by the local population in the border region, the poorest part of Albania. For the moment, their immediate needs are being met, but the totally inadequate infrastructure makes the long-term outlook grim.

Politically, the conflict causes problems for the Government in Tirana, in that it must take into account both national sentiments of indignation and solidarity, echoed by the opposition, and international calls for restraint.

The overriding priority is to secure an early end to the fighting, followed by the deployment of a large-scale international monitoring force. This would not only enable a meaningful dialogue to take place, but also facilitate an early return of the refugees.

The OSCE mission in Skopje reports that "spillover" from the current crisis in Kosovo in the territory of the former Yugoslav Republic of Macedonia may take physical form (movement of individuals whether seeking refuge privately or coming as refugees) or political form (an adverse effect on ethnic relations in local politics). Hitherto the risks of physical "spillover" have been contained: there have been no refugees and no identifiable net inflow based on family ties; border areas are stable and calm, with life proceeding normally, albeit with increased anxiety among the local population; and there has been no serious incident, in recent months, on the country's border with Kosovo and the rest of Serbia, with reduced smuggling and illegal crossings. Any significant number of Kosovars arriving would be resented by the majority population. The key to continuing stability remains the policy approach of the Yugoslav border authorities on the northern side of the border. Should similar operations be launched to those in the Decani area, movement of refugees would be very likely, but the area has traditionally been relatively quiet.

In terms of risks of political 'spillover', ethnic Albanian demonstrations in Skopje and other towns, showing solidarity with Kosovars and voicing support for the KLA, although peaceful, have caused disquiet and resentment among the ethnic Macedonian population, complicating the political scene, which is otherwise dominated by forthcoming parliamentary elections.

VII. MEASURES TAKEN BY THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Kosovo continues to be in the forefront of OSCE activities. It has become one of the priorities of its Chairmanship.

The latest developments in Kosovo have clearly demonstrated the necessity of participation by international organizations in solving the humanitarian problems in the region as well. This is why the OSCE Permanent Council stressed on 4 June the importance of free access for the International Committee of the Red Cross and other humanitarian organizations to the areas affected by fighting. The major influx of refugees arriving in Albania from Kosovo is being observed by OSCE.

At the end of May, the Chairman of the Parliamentary Assembly of OSCE, Mr. Javier Ruperez, visited the Federal Republic of Yugoslavia for talks in Belgrade and Pristina. He did not register any change in the position of the Federal Republic of Yugoslavia vis-à-vis the Gonzalez mission or a prospective OSCE mission, including one in Kosovo.

OSCE has developed relatively modest but effective monitoring capabilities in Albania. The Organization decided on 4 June to increase the number of OSCE monitors on Albania's border with Kosovo to 30.

Addressing the Central Europe Initiative meeting in Brioni on 6 June, the OSCE Chairman-in-Office came forward with the idea of a special status for Kosovo. In his opinion, it should be elaborated through the dialogue between the authorities of the Federal Republic of Yugoslavia and Kosovo Albanians. He suggested that a round table dialogue concentrating on special status for Kosovo would help resolve the dichotomy between independence and autonomy. This could be helpful in moving away from political rhetoric and turning to concrete matters, such as the functioning of legislative and executive powers there, assuring local identity, development of local government and education.

On 11 June, the Chairman-in-Office condemned violence by either side in the strongest possible terms and urged an immediate cessation of hostilities. He expressed his deep concern about the continued flow of refugees driven across the border into Albania by the violence. He called on the Belgrade authorities to facilitate the return of displaced persons and refugees.

In his address to the Permanent Council in Vienna on 17 June, the Chairman-in-Office stated that a political solution to the crisis required not only that hostilities in Kosovo be stopped and talks resumed, but also that democracy and full respect for human rights and minorities be introduced in the Federal Republic of Yugoslavia, and that the participation of that country in

international organizations, including OSCE, be ensured once it applies international standards to its behaviour. The Chairman-in-Office repeated that the OSCE platform for a political solution is still available and that the Organization would be ready to dispatch a mission to Kosovo without delay, if and when it proved to be possible.

In his letter of 19 June to President Milosevic, the Chairman-in-Office showed interest in the suggestion by the Federal Republic of Yugoslavia to hold talks with OSCE on the acceptance of the OSCE mission in Kosovo and on the participation of the Federal Republic of Yugoslavia in OSCE (this proposal was made by the Yugoslav side after the Milosevic-Yeltsin talks in Moscow on 16 June and included in the joint statement).

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S/1998/609
2 July 1998

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GENERAL ASSEMBLY
Fifty-second session
Agenda item 61
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 2 July 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 29 June 1998 (A/52/972-S/1998/586), I have the honour to draw your attention to further violations of the national airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, which were recorded on 30 June 1998.

On that day four Turkish military aircraft, two RF-4 carrying out aerial photography and two F-4, entered the Nicosia flight information region, in violation of international air traffic regulations. Two of those aircraft flew over the areas of Famagusta and Kyrenia, violating the national airspace of the Republic of Cyprus.

As stated in my previous letters, such violations of the Nicosia flight information region and the national airspace of the Republic of Cyprus are in complete disregard of the Charter of the United Nations as well as the provisions of the Security Council resolutions on Cyprus, which state that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement, as well as violate international air traffic rules.

On behalf of the Government of the Republic of Cyprus, I wish once more to strongly protest these new provocative acts by Turkey, at the same time drawing your attention to the fact that these violations occurred just one day after the adoption of Security Council resolution 1179 (1998), which called for respect of the sovereignty, independence and territorial integrity of the Republic of Cyprus and for refraining from any action which might prejudice that sovereignty, independence and territorial integrity.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Sotirios ZACKHEOS
Ambassador
Permanent Representative

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S/1998/610
6 July 1998
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 4 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States aircraft continued over the period 16-30 June 1998 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

I request that you intervene with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-19407 (E) 070798 070798

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Annex

Violations of Iraq's airspace and damage caused during the period 16-30 June 1998

1. Northern region: 110 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Zakho, Irbil, Tall Afar and Rawanduz.

2. Southern region: 487 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Nasiriyah, Samawah, Artawi, Ushbayjah, Jalibah, Salman, Busayyah, Qurnah, Chabaish, Shinafiyah, Rumaythah, Basra, Hayy, Shatrah, Amarah, Qal'at Sukkar, Safwan, Suq al-Shuyukh, Hamzah, Maymunah, Abu Sukhayr, Taqtaqanah, Rifa'i, Najaf, Shithathah and Ukhaydir.

3. On 10 occasions United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraq's airspace.

4. At 1135 hours on 17 June 1998 United States aircraft violated Iraq's airspace over the town of Umm Qasr.

5. At 1240 and 1245 hours on 19 June 1998 United States aircraft violated Iraq's airspace over the town of Umm Qasr.

6. At 0930, 1340, 1025, 0140 and 1045 hours on 20 and 21 June 1998 United States aircraft violated Iraq's airspace over the town of Umm Qasr.

7. At 0845 hours on 28 June 1998 United States aircraft violated Iraq's airspace over the town of Umm Qasr.

8. At 0940 hours on 30 June 1998 a United States F-16 aircraft launched a missile at a civilian water-storage complex located 12 kilometres to the north of Umm Qasr, in an area to the south of Basra province and inside the demilitarized zone.

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S/1998/611
6 July 1998

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GENERAL ASSEMBLY
Fifty-second session
Agenda items 20, 107 and 112
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-third year

Identical letters dated 4 July 1998 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the General Assembly and to the President of the Security Council

Upon instructions from my Government, I have the honour to transmit to you a statement issued on 3 July 1998 by the Ministry of Foreign Affairs of the State of Eritrea concerning the inhuman treatment by the Ethiopian Government of Eritrean nationals living in Ethiopia (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the fifty-second session of the General Assembly under agenda items 20, 107 and 112, and of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

98-19395 (E) 060798

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ANNEX

Statement issued at Asmara on 3 July 1998 by the Ministry of Foreign Affairs of Eritrea

Ethiopia's gross violations of the human rights of Eritreans living in Ethiopia

1. In mid-May 1998, Ethiopia unleashed a war of aggression against Eritrea. Almost immediately thereafter, the Ethiopian Government started to violate systematically the human rights of peaceful Eritrean civilians living in Ethiopia in contravention of the basic provisions of all international agreements, conventions and declarations on human rights and in total disregard of the basic precepts of civilized international behaviour. These acts are continuing.

2. It has thus become incumbent on the Government of Eritrea to draw the attention of the international community to the plight of most Eritreans living in Ethiopia and the danger posed by these unwarranted and inhuman acts by the Ethiopian Government to stability and security in our region. The Eritrean Government wishes in particular to bring to the attention of the world the following flagrant human rights violations that are being routinely committed by the Ethiopian Government.

A. Expulsion

3. All States are required to respect and to ensure to all individuals - including aliens - living in their territories and subject to their jurisdiction the rights recognized in the Universal Declaration of Human Rights and other international instruments. Most of these instruments prohibit the collective expulsion of aliens.

4. Yet the Government of Ethiopia has embarked upon a policy of mass expulsion of Eritreans in total disregard of its international obligations. To date, it has collectively expelled about six thousand (6,000) Eritreans and there seems to be no indication that it will discontinue its policy in the near future.

5. These deportees did not have any chance to contact their family members or friends, since they were suddenly and unexpectedly apprehended from mosques, schools, offices and the streets without any warrant and hauled to detention centres with only the clothes they were wearing. They were then crammed into ill-fitted buses without toilets, where they spent more than three (3) days and nights, without water and much-needed medical attention.

6. Most of the deportees are elderly. Seventy per cent (70%) are fifty (50) years or older. Several are septuagenarians and octogenarians. Sixty per cent (60%) had lived in Ethiopia for between twenty five (25) to sixty (60) years. Some were born in Ethiopia. Some are of mixed (Ethiopian-Eritrean) parentage. Fifteen per cent (15%) are women. Fifty per cent (50%) are professionals who had served Ethiopia and its people in both the public and private sectors. A few are single parents who have been forced to leave behind babies and other

minors without making any arrangements for their care. None of these people could, by any stretch of the imagination, be considered a threat to the security of the Ethiopian State.

B. Arbitrary arrests and imprisonment

7. It is a basic principle of international law and practice that no one shall be subject to arbitrary arrest or imprisonment. Once a person is deprived of his/her liberty, the law requires that he/she shall be treated with humanity and with respect for the inherent dignity of the human person and that he/she shall not be subjected to cruel and inhuman treatment or torture.

8. Yet the Ethiopian Government is indiscriminately arresting Eritreans, including school-children, all over Ethiopia, without any declaration of a state of emergency or notification of its actions to either the Organization of African Unity or the United Nations as it is required to do by international conventions which it has signed. These Eritreans are languishing in wretched and unhealthy detention centres in all parts of Ethiopia, including Addis Ababa, Fiche, Humera and Mekele. In the Fiche camp only, there are at least 1,000 Eritrean youths, including about eighty (80) students enrolled at Addis Ababa University on an educational exchange programme.

9. Most of the detention centres are concentration camps. In Humera, fifty (50) to sixty (60) detainees are crammed into dark containers (which are about twenty (20) cubic metres in size) or in equally small and unlighted cells. They are denied food and water and basic sanitation needs, including visits to toilets. They have been denied any communication either with relatives or legal representatives who may not know their whereabouts. Some have been tortured or subjected to inhuman treatment which violated their physical, mental and moral integrity.

C. Internal refugees (displaced persons)

10. The violence and destruction inflicted upon the Eritrean people by the Ethiopian Government has not only been limited to those residing in Ethiopia. Ethiopian aggression has also displaced tens of thousands of Eritreans from their villages and other domiciles, thereby causing extensive social disruption and economic damage. They need urgent food and medical assistance. Their need for shelter, food and medicine has already strained government resources.

11. There is no denial that any State can, under certain circumstances, impose restrictions on the political activities of aliens, as long as the measures it takes do not violate international law or practice. It is also acceptable that any country which is at war or in imminent danger of its independence or security being threatened may declare a state of emergency and may thus take measures derogating from its obligations under international conventions it has adhered to, as long as they are limited to actions necessitated by the exigencies of the situation. Even then, it is under a legal obligation to follow universally accepted and strictly applied procedures and to make sure that its actions are not inconsistent with its other obligations under international law. Surely, Ethiopia's actions are not covered by these

provisions, since no derogation is permitted from, inter alia, respect for the right to life, security of person and recognition as a person before the law.

12. It is also recognized that any person whose rights or freedoms are protected by international conventions and agreements shall have an effective remedy as well as an enforceable right to compensation, notwithstanding the fact that the violations have been committed by persons in an official capacity.

13. Finally, the Government of Eritrea is convinced that it is the duty of all States to contribute to the respect, promotion and protection of these essential rights of human beings by raising their voice, and by acting with commitment, when they are systematically subverted by any member of the community of nations. Accordingly, it requests members of the international community, inter alia, to:

- Denounce Ethiopia's gross violation of the basic human rights of the Eritrean people under its jurisdiction and to call emphatically for the immediate cessation of its hostile and unlawful acts;

- Demand the unconditional release of all detainees;

- Arrange for the early reunion of divided Eritrean families and to evacuate them by the safest means of transport possible, including airlifts;

- Ensure the protection of Eritrean property and means of livelihood in Ethiopia and/or to secure commensurate compensation for expropriated property and means of livelihood;

- Provide adequate assistance to Eritrean detainees, deportees and displaced persons.

14. It is to be noted that the Eritrean Government has, since the beginning of the dispute, scrupulously respected the human rights of Ethiopian citizens living in Eritrea. It will continue to do so. It has not and will not put civilian Ethiopians living in Eritrea in detention camps. It has not deported them. It has not taken action that will violate their physical, mental and moral integrity. It shall allow them to live in Eritrea as peaceably as they have done in the past. The Eritrean Government makes this undertaking to the world.

In this connection, the National Assembly of Eritrea, meeting in its eleventh session on 26 June 1998 declared that "the Eritrean Government has not, and will not, take any hostile action against Ethiopians residing in the country. Their right to live and work in peace is guaranteed. If this right is infringed under any circumstances or by any institution, they have the full right of redress".

To this end, the Government of Eritrea invites all interested Governments and organizations to visit Eritrea and independently to verify for themselves the situation in which Ethiopians living in Eritrea find themselves.

15. The Government of Eritrea also seizes this opportunity to reaffirm to the international community its firm commitment to the peaceful and legal resolution of the conflict and to the restoration of the amicable and harmonious relations that existed between the people of the two countries prior to the outbreak of hostilities.

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S/1998/612
6 July 1998
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ORIGINAL: ARABIC

LETTER DATED 5 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 1 July 1998 from Mr. Mohammed Said Al-Sahhaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the sale by the Kuwaiti authorities of five Iraqi oil tankers that they have been holding since 1991.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-19413 (E) 070798 070798

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Annex

Letter dated 1 July 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I should like to inform you that the Kuwaiti authorities have been holding five Iraqi oil tankers since 1991, namely Al-Muthanna, Al-Qadisiyah, Hittin, Tariq ibn Ziyad and Al-Faw. Four of them are in good condition and one, Al-Faw, is damaged. Information has recently reached us that the Kuwaiti authorities have proceeded to sell these tankers as scrap to other parties for 16.5 million dollars.

Ownership of the tankers is vested in the Government of Iraq and is recorded in the international registers of shipping in the name of the Iraqi Oil Tanker Company. Any conveyance of the tankers by the Kuwaiti authorities is therefore illicit and has no legal basis. Thus, the Government of Iraq does not under any circumstances recognize the sale of the tankers by the Kuwaiti authorities and regards it as an illegal procedure and an act that is incompatible with the norms of international law.

As it protests against this illicit act, the Government of Iraq urges you to intervene at once with the Kuwaiti authorities in order to induce them to void the illegal sale and request them to return the tankers to the Iraqi authorities. In any event, the Government of Iraq reserves its legal right to seek compensation for any damage done to its property by the action of the Kuwaiti authorities.

The Government of Iraq also reserves its legitimate right to institute legal proceedings against the purchasers of the tankers and to bring action against them in any country in the world in order to safeguard its legitimate rights under the law.

(Signed) Mohammed Said AL-SAHHAF
Minister for Foreign Affairs
of the Republic of Iraq

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S/1998/613
7 July 1998
ENGLISH
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LETTER DATED 7 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 5 July 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, containing details of violations of Iraq's airspace and acts of aggression and provocation carried out by United States and British aircraft in flagrant contravention of the Charter of the United Nations and international law.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-19572 (E) 080798 080798

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Annex

Letter dated 5 July 1998 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

I refer to our letter dated 18 January 1998 providing details of violations and acts of aggression carried out by United States and other States' aircraft and naval vessels during the period 1 July to 31 December 1997.

In the present letter, I wish to call your attention to the fact that between 1 January and 30 June 1997 there were 11,162 violations of the Republic of Iraq's airspace in the south by aircraft coming from bases in the Kingdom of Saudi Arabia and Kuwait and 1,672 violations of its airspace in the north by aircraft coming from bases in Turkey. The number of violations of Iraq's airspace during this period was thus 12,834.

In committing these violations, the aircraft involved carried out such acts of aggression, provocation and incitement as dropping heat flares and breaking the sound barrier over Iraqi civilian areas and installations. United States warships also engaged in acts of aggression inside and outside Iraqi territorial waters that were documented and communicated by us to the United Nations Secretariat at the time they took place. They included those set forth as follows.

1. At 1210 and 1235 hours on 1 February 1998 and at 1155 and 1205 hours on 3 February 1998 United States aircraft violated Iraq's airspace over the area of Umm Qasr and Faw.

2. At 2238 hours on 8 February 1998 a formation of United States aircraft dropped three illumination flares over the area to the north of Shu'aybah.

3. At 1600 hours on 18 February 1998 a formation of six United States aircraft broke the sound barrier over the area to the north of Artawi in southern Iraq.

4. At 1016, 1030 and 1105 hours on 2 March 1998 United States aircraft violated Iraq's airspace over Umm Qasr and Faw.

5. At 1128 hours on 2 March 1998 a formation of two United States aircraft broke the sound barrier over the town of Shu'aybah.

6. At 1100 hours on 9 April 1998 the Iraqi mechanized barge No. 1 was subjected to an inspection by an armed vessel carrying 25 officers of the United States Coast Guard. An exhaustive search was carried out under armed threat.

7. At 0030 hours on 23 April 1998 a United States military helicopter lowered a rubber boat with seven armed men on board close to the Iraqi naval vessel Al-Bakr. The men then proceeded to search the vessel which was at the mouth of the Khawr Abdullah waterway.

8. On 8 May 1998 three United States military helicopters hovered over the ship Chettinad Princed, registered in Pakistan, which was carrying a cargo of wheat, under the Memorandum of Understanding. While it was in Khawr 'Abdullah the pilot was instructed to return to sea in order to undergo an inspection. The vessel's papers were inspected in what constituted an act of provocation.

9. At 1208 hours on 27 May 1998 a formation of two United States aircraft dropped heat flares over the area of Mithanna in Ninawa province.

10. At 1100 hours on 1 July 1998 a formation of two United States warplanes broke the sound barrier on two consecutive occasions over the town of Tall Afar in the province of Ninawa in northern Iraq.

11. At 1320 hours on the same day a formation of two United States warplanes broke the sound barrier over the town of Taklil in the province of Ninawa in northern Iraq flying at speeds that caused damage to buildings.

12. At 1912 hours on 1 June 1998 a United States warplane dropped three heat flares over the area of the Saddam Dam in the province of Ninawa.

13. At 0930 hours on 30 June 1998 a United States F16 aircraft launched a HARM missile at a complex of water storage tanks 12 kilometres to the north of Umm Qasr in the southern part of the province of Basra inside the demilitarized zone.

We condemn these repeated acts of aggression and provocation carried out by the United States, the United Kingdom and others against Iraqi targets and civilian installations. We further condemn the actions of the United States F16 aircraft on 30 June 1998, which the United States claimed had launched a missile against an Iraqi radar station. The United Nations Iraq-Kuwait Observation Mission (UNIKOM) confirmed that the incident in question had in fact taken place inside the demilitarized zone, where there were no Iraqi military units or equipment of any kind. The Observation Mission recorded the incident as a violation on the part of the United States. UNIKOM inspectors and representatives of well-known news agencies verified the accuracy of Iraq's claims and the falsehood of the United States allegations. We urge you to intervene with the United States and the United Kingdom with a view to putting a halt to these repeated and unjustified acts of aggression that not only constitute grave violations on the part of permanent members of the Security Council of the sovereignty of an independent State and a founding Member of the United Nations as well as of the Charter of the United Nations but also represent a breach of the principle enunciated in Security Council resolution 687 (1991).

The countries whose aircraft and ships engage in these acts of aggression and those in which the aircraft are based bear full responsibility for these actions, for the damage they have caused and for the security, economic and moral threats they have posed to the people of the Republic of Iraq.

We also affirm the legally established right of the Republic of Iraq, in accordance with the principle of State responsibility, to seek compensation for the damage it has sustained through acts of aggression that are in violation of the Charter of the United Nations and the norms of public international law.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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S/1998/614
7 July 1998

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVES OF SLOVENIA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 1 July 1998 from the Minister for Foreign Affairs of the Republic of Slovenia, stating that Ms. Anita Pipan and Ms. Sanja Štiglic have been appointed alternate representatives of Slovenia on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

98-19566 (E) 070798

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7 July 1998
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LETTER DATED 7 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB EMIRATES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of paragraph (a) of that part of the final communiqué adopted at the sixty-seventh session of the Ministerial Council of the Gulf Cooperation Council, held on 28 June 1998 in Riyadh, Saudi Arabia, that concerns the occupation by Iran of the three islands belonging to the United Arab Emirates.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

98-19591 (E) 080798 080798

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Annex

The occupation of the three islands belonging to the United Arab Emirates, and relations with Iran

(a) The occupation of the three islands belonging to the United Arab Emirates

The Council reviewed developments with regard to the issue of Iran's occupation of the Greater Tunb, the Lesser Tunb and Abu Musa, islands that belong to the United Arab Emirates, in the light of the visit of the Minister for Foreign Affairs of the Islamic Republic of Iran to Abu Dhabi on 23 May 1998. It expressed its optimism at the results achieved by that visit and its hope that continued contacts between the two countries would be conducive to a positive response by the Iranian Government to the sincere appeals made to it to pursue peaceful means to resolve the ongoing dispute concerning the islands in accordance with the principles and norms of international law, including agreement to refer the issue to the International Court of Justice. At the same time, the Council stressed its established position affirming the sovereignty of the United Arab Emirates over the three islands and its unconditional support for all the peaceful measures it is taking to re-establish that sovereignty. It again urges the Iranian Government to end its occupation of the islands, to rescind all unilateral measures taken in the past and remove all of the installations built, and to resolve the dispute by peaceful means in accordance with the principles and norms of international law, including agreement to refer the issue to the International Court of Justice.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/615*
7 July 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 7 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB EMIRATES TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of paragraph (a) of that part of the final communiqué adopted at the sixty-seventh session of the Ministerial Council of the Gulf Cooperation Council, held on 28 June 1998 in Riyadh, Saudi Arabia, that concerns the occupation by the Islamic Republic of Iran of the three islands belonging to the United Arab Emirates.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammad J. SAMHAN
Permanent Representative

* Reissued for technical reasons.

98-19844 (E) 090798

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Annex

Final communiqué adopted by the Ministerial Council of the Gulf Cooperation Council at its sixty-seventh session, held in Riyadh on 28 June 1998

The occupation of the three islands belonging to the United Arab Emirates, and relations with the Islamic Republic of Iran

(a) The occupation of the three islands belonging to the United Arab Emirates

The Council reviewed developments with regard to the issue of the Islamic Republic of Iran's occupation of the Greater Tunb, the Lesser Tunb and Abu Musa islands that belong to the United Arab Emirates, in the light of the visit of the Minister for Foreign Affairs of the Islamic Republic of Iran to Abu Dhabi on 23 May 1998. It expressed its optimism at the results achieved by that visit and its hope that continued contacts between the two countries would be conducive to a positive response by the Iranian Government to the sincere appeals made to it to pursue peaceful means to resolve the ongoing dispute concerning the islands in accordance with the principles and norms of international law, including agreement to refer the issue to the International Court of Justice. At the same time, the Council stressed its established position affirming the sovereignty of the United Arab Emirates over the three islands and its unconditional support for all the peaceful measures it is taking to re-establish that sovereignty. It again urges the Iranian Government to end its occupation of the islands, to rescind all unilateral measures taken in the past and remove all of the installations built, and to resolve the dispute by peaceful means in accordance with the principles and norms of international law, including agreement to refer the issue to the International Court of Justice.

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LETTER DATED 7 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF BRAZIL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward a communiqué issued by the Community of Portuguese-Speaking Countries at Lisbon on 1 July 1998 in reference to the current situation in Guinea-Bissau. I would be grateful if the present note and its attachment could be circulated as a document of the Security Council.

(Signed) Celso L. N. AMORIM
Ambassador
Permanent Representative
of Brazil

98-19597 (E) 070798

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Annex

Communiqué issued by the Community of Portuguese-Speaking Countries at Lisbon on 3 July 1998

The member States of the Community of Portuguese-Speaking Countries reiterate their serious concern about the current situation in Guinea-Bissau and issue the following declaration.

The member States of the Community of Portuguese-Speaking Countries:

1. Strongly support and associate themselves with the good offices initiative of Portugal and Angola aimed at reaching a negotiated solution to the conflict.

2. Call on the parties to the conflict to respect the ceasefire and to cooperate with Angola and Portugal in their efforts to help reach a negotiated solution to the conflict.

3. Urge all countries and organizations to cooperate with this initiative and to refrain from any action that could lead to greater military internationalization of an already complex situation.

4. Reiterate their position that only a negotiated solution can guarantee a lasting peace and political stability for Guinea-Bissau.

5. Make an appeal to all countries and organizations to provide urgent humanitarian assistance to displaced persons and refugees and call for the cooperation of all parties and military forces involved in the conflict to facilitate the provision and distribution of humanitarian aid.

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LETTER DATED 8 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my letter of 18 June 1998, annexing the Croatian draft text for an agreement between the Republic of Croatia and the Federal Republic of Yugoslavia proposing a permanent solution to the security issue of Prevlaka (S/1998/533), I have the honour to inform you of the following additional views of my Government.

Croatia welcomes the findings of the Secretary-General, as recorded in his report on the United Nations Mission of Observers in Prevlaka (S/1998/578), that the situation in the Prevlaka area remains stable and that tensions on both sides of the border have been substantially reduced. In particular, Croatia appreciates the Secretary-General's call to the parties to make use of the current situation and to engage in substantive talks towards the resolution of the Prevlaka issue.

Croatia is encouraged by the first positive public reactions to its proposal by the Montenegrin authorities. Croatia views these reactions as conducive to a more constructive approach for improving cooperation and resolving the remaining bilateral issues. Such an approach contributes to building a realistic framework for negotiations, based on principles of international law, especially the principle of inviolability of international borders.

Croatia looks forward to proceeding expeditiously with bilateral negotiations with a view to resolving the security issue of Prevlaka permanently. In this regard, it welcomes the recently expressed preparedness of the Federal Republic of Yugoslavia to embark immediately upon negotiations in respect of this matter, as expressed in the letter of the Prime Minister of the Federal Republic of Yugoslavia, Mr. Momir Bulatović, to the President of the Security Council (S/1998/593).

The letter nominally supports bilateral negotiations, but it also implies negotiations on changing internationally recognized borders. This approach, which disregards the principle of the inviolability of borders, remains unacceptable not only to Croatia, but also appears dangerous to security and stability prospects elsewhere in the region. Furthermore, it stands in sharp

contrast with the relevant Security Council resolutions on the Prevlaka issue adopted under the agenda item entitled "The situation in Croatia", which reaffirmed the sovereignty and territorial integrity of the Republic of Croatia. In any new resolution on this topic, the Security Council should be even more explicit, making it quite clear that Prevlaka is exclusively a security and not a territorial issue.

Allegations contained in the letter about the character of violations of the United Nations zones in Prevlaka are in sharp contrast with the Secretary-General's report, which is an objective and reliable source. The occasional entry of civilians into the United Nations monitored area does not constitute a threat to the population of Herceg Novi and Boka Kotorska. The efforts of the local population merely reflect their impatience to resume their normal activities of fishing and farming now that the situation is stable and that tensions on both sides of the border have been substantially reduced.

My Government has formally embarked upon the resolution of the Prevlaka issue in good faith and in a transparent manner. The resolution process would doubtless be fostered further if the Security Council, in the course of its forthcoming consideration of the United Nations Mission of Observers in Prevlaka (UNMOP), provided an efficient incentive for expediting bilateral negotiations. Such a step would emphasize the interests of the international community in achieving much needed sustainable stability in this part of Europe and the release of United Nations resources to areas of more pressing concern.

May I ask for your kind assistance in distributing the present letter as a document of the Security Council.

(Signed) Dr. Ivan ŠIMONOVIĆ
Permanent Representative

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LETTER DATED 7 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I enclose herewith a copy of a letter from the Swiss company MEBO LTD. referring to a photograph which clearly shows that the extremely small fragment of the timing device MST-13 allegedly found in the wreckage of the Pan Am aircraft on flight 103 that crashed at Lockerbie in 1988 belonged to an "O series" timing device which had never been sent to Libya.

This letter refutes United States of America and United Kingdom of Great Britain and Northern Ireland allegations concerning the purchase by Libya of such a device and the suspicion that two Libyan citizens were involved in the Lockerbie incident.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(Signed) Abuzed Omar DORDA
Ambassador
Permanent Representative

Annex

[Original: English]

Letter dated 2 July 1998 from the Swiss company Meister and Bollier concerning a timer found at the site of the Lockerbie disaster

As you surely know, it was in 1990 when the Federal Bureau of Investigation and the United States Justice Department requested official international legal assistance from the Swiss Federal Police in the matter of the Lockerbie disaster.

Following the written assurance of reciprocity by the British Ministry of Interior, (signed document, dated 25 September 1990), according to its article 8, the company Meister and Bollier, (MEBO Ltd.), agreed to be questioned in detail by the Federal Bureau of Investigation and Scottish policemen.

At that time, official police records clearly described and pointed to a very tiny fragment of an MST-13 timer that had allegedly been discovered in the debris at the Lockerbie air crash site. This tiny timer fragment had close similarity to parts of MST-13 timers that had allegedly been confiscated by the Federal Bureau of Investigation in Togo and Senegal.

The official request for legal assistance by the Lord Advocate from Scotland also points specifically to prototypes and photographs of the MST-13 timer.

During the questioning of Meister and Bollier by the Swiss Federal Police, (in the presence of the Federal Bureau of Investigation and the Scottish Police), a police photograph picturing an MST-13 timer-fragment was officially being added to the official questioning protocol.

This illustration shows a very tiny fragment of a circuit board from an MST-13 timer.

Several requests by Meister and Bollier to be allowed to review the official photograph have been bluntly turned down all the years since the official questioning session.

It is only several weeks ago that Meister and Bollier received a copy of the official colour photograph via third party "generosity". This photo very clearly shows that the tiny MST-13 timer fragment is part of a prototype "O-series". Meister and Bollier has manufactured exactly three (3) different models of such an MST-13 timer.

The tiny fragment pictured in the official police photo from the Lockerbie files is part of a "O-series" prototype, of which exactly three (3) circuit boards have been manufactured. Two of these three MST-13 timers were delivered to the "Institute for Technical Research" in the then German Democratic Republic (East-Germany) in 1985.

The third of these prototypes was never fitted or completed and has subsequently been recorded as missing from the premises of Meister and Bollier with batches of special film material to manufacture such printed circuit boards.

It is quite obvious that we, Meister and Bollier, contacted the Swiss Federal Police immediately following receipt and close examination of the colour photograph that we received recently through third-party generosity. We now expect to be called for a new and revised police protocol.

In view of this new development, we, Meister and Bollier, are quite certain that we were not allowed to re-examine the official police photograph of this fragment because all officials are well aware of the fact that said MST-13 timer fragment has never been delivered to Libya.

Mebo Ltd.
Edwin Bollier